

mittee on Contingent Expense of the Senate, approved by the President of the Senate, or of the Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue warrants upon the Treasury of the State of Texas for the payment of accounts for contingent expenses herein provided to be paid.

SEC. 4. The fact that the appropriations made to pay the mileage, per diem and contingent expenses of the Second Called Session of the 41st Legislature of the State of Texas heretofore made are not sufficient for that purpose creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Approved July 1, 1929.

Effective July 1, 1929.

[NOTE: H. B. No. 212 passed the House by a vote of 102 yeas, 6 nays; passed the Senate by a vote of 30 yeas, 0 nays.]

#### RURAL AID APPROPRIATION.

H. B. No. 1.]

CHAPTER 36.

An Act appropriating Two Million Seven Hundred Fifty Thousand (\$2,750,000.00) Dollars per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, 40th Legislature, Regular Session; as amended by the First Called Session of the 41st Legislature; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of the Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. For the purpose of promoting the public school interest of rural schools and equalizing the educational oppor-

tunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the General Revenue Two Million Seven Hundred Fifty Thousand (\$2,750,000.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1930, and Two Million Seven Hundred Fifty Thousand (\$2,750,000.00) Dollars or so much thereof as may be necessary, for the school year ending August 31, 1931, to be allotted and expended in accordance with the provisions of this Act.

SEC. 2. State Aid under the provisions of this Act may be distributed in such a way as to assist all schools of not more than three hundred (300) scholastics located in districts of not more than four hundred (400) scholastic census enrollment and consolidated districts which have an average of not more than two hundred (200) scholastics for each original district composing the consolidated unit, to maintain the school solely out of State and County available funds for a term not to exceed six and one-half months; provided that in no event may a school receive more State Aid than is needed to maintain the contracted term, not to exceed nine months, as shown by the difference between all available funds and the total disbursements for maintenance purposes. The allotment of all State Aid shall be subject to the following conditions:

1. Each school receiving aid shall be provided with a suitable school house, erected in accordance with the Texas School House Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each school shall be provided with the necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representative.

3. Teachers employed in State Aid Schools shall furnish to the State Superintendent satisfactory evidence of professional training and teaching ability.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the annual support of its schools by voting and levying a local school tax of not less than seventy-five cents on the Hundred Dollars of property valuation, and provided, further that the property valuation shall not be less than said property is valued for State and County purposes, and provided, further, that the above requirements of a maintenance tax levy shall not apply to districts maintaining a school for Indians.

5. Each school receiving State Aid under the provisions of this Act shall teach the common school subjects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction, County Board, and the State Board of Education.

6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study.

SEC. 3. Schools of not more than three hundred (300) and not less than twenty (20) scholastics located in districts of not more than four hundred (400) scholastic census enrollment, and consolidated districts as provided in Section 2 of this Act, including transfers, complying with the foregoing conditions may send to the State Superintendent, on blanks provided by the State Department of Education, a list of teachers employed in the school showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of terms, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with its State and County available funds, maintain the school for a term not to exceed six and one-half months; provided that if the school has sufficient State and County available funds, with its local maintenance tax, to maintain the desired term, not to exceed nine months, as provided in Section 2, it shall not be eligible to receive State Aid.

It is hereby provided further that schools in sparsely settled counties, having less than fourteen hundred (1400) scholastic population in the Common School Districts, may be exempted from the minimum restriction of twenty (20) scholastics, provided that each district applying for aid votes and levies the limit of local support as provided in this Bill.

SEC. 4. No part of the aid herein provided for shall be used for increasing the salary of any teacher except as may be provided in schedule of salaries fixed by the State Board of Education, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Board of Education. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any Section of this Act for the current year. Should any school, which would otherwise be eligible to receive aid, agree, provide or contract with teachers to pay a larger salary during the remainder of the term provided out of State funds than is to be paid during the remainder of the term out of local funds, then such school shall forfeit its right to receive aid.

Any county in this State that has a special equalization fund derived from State and County available funds, and which contributes to said fund for the benefit of its rural schools out of its own funds as much as Forty Thousand (\$40,000.00) Dollars per annum, shall receive from the appropriation herein provided Twenty Thousand (\$20,000.00) Dollars for each year

of the biennium to supplement the equalization fund thereof for all purposes, provided no inspection shall be required.

SEC. 5. In deciding upon the amount of aid to be granted to districts under the provisions of this Act, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall allot the money herein appropriated to schools upon the following basis: One teacher for any number of scholastics from 21 to 35 inclusive; two teachers for any number of scholastics from 36 to 65 inclusive; three teachers for any number from 66 to 95 inclusive; four teachers for any number from 96 to 125 inclusive; five teachers for any number from 126 to 155 inclusive, and at the same rate for additional teachers. The basis for calculation shall be the net scholastic enumeration of the districts for the current year, which must include all transfers into the district, and from which shall be deducted all transfers from the district, and all students who have completed the course of study authorized by the County Board of Trustees for the school in such districts, provided that in unusual or extraordinary conditions of actual enrollment an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

SEC. 6. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period of not exceeding six and one-half months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be levied and collected by said school districts, and this requirement cannot be waived by the State Board of Education; and provided, further, that the amount granted in such case shall not exceed \$300.00.

SEC. 7. State Aid to the amount of not more than \$300.00 to any one school employing three or more teachers which will provide equipment for proper instructions and demonstrations in mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. Each such school in which such equipment has been placed by previous appropriations may receive \$100.00 for each year of this appropriation, provided the teacher employed is approved by the State Superintendent as competent for such instruction and a term report on the work done is made by the teacher in charge. It is expressly provided that the school district which applies for special aid under this Section must be complying with the foregoing conditions as stated in Section 3 of this Act, equipment furnished under provisions of this Act shall remain the property of the State.

SEC. 8. It is hereby further provided that in consolidated

districts legally formed, or to be formed, with buildings and equipment approved by the State Superintendent of Public Instruction, with the approval of the State Board of Education, and employing not less than three teachers, including the principal doing high school work exclusively, or such number of teachers as in the judgment of the State Superintendent of Public Instruction is needed and necessary, it may be granted out of the yearly appropriations of this Act the sum of Five Hundred (\$500.00) Dollars for each entire school district included in said consolidation; provided such rural high school district is one unit in a county-wide system of such high school district mapped and planned for the entire county that has been approved by the State Superintendent of Public Instruction; provided also that nothing herein shall prohibit any one such unit from receiving such aid on account of any other units in said county failing to comply with this Act or to put into effect the plans of the County Board of Education in mapping out said county. If in any high school district proposed by the County Board of Trustees, as shown by the approved county map, a fewer number of districts are consolidated than that proposed by the County Board a bonus of \$300.00 shall be paid for each such district, and when consolidation is fully completed as proposed by the County Board of Trustees then the high school district shall receive from the appropriation provided for in this Act such an additional amount as may be necessary to complete the total bonus of \$500.00 for each district forming the high school unit; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school unit; provided that any building constructed from the proceeds of bonds voted to accommodate the incomplete unit shall be located at the high school center previously designated by the County Board for the entire unit; provided that if any districts during the current year have received State Aid under the provision of this Act they shall not be counted in determining the amount of bonus for this year.

SEC. 9. Consolidated districts, formed in accordance with Section 8 of this Act, and all consolidations, formed subsequent to September 1, 1922, and prior to September 1, 1929, which make provision for transportation of pupils to and from said schools at public expense, may be granted from this appropriation, in addition to the amount provided in Section 8, a sum equal to one-half of the cost of transportation, not to exceed \$300.00 for each automobile truck required, provided contracts for such transportation have been approved by the State Superintendent.

SEC. 9a. On the agreement of the boards of trustees of the districts concerned and subject to the approval of the county superintendent and state superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of

grades thereof, to a convenient state classified or accredited school, and in such event all of the funds of the district, including the State Aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out the said agreement; provided that the scholastics so transferred shall be entitled, without the payment of other tuition, to the entire term maintained by the receiving district; and provided also that if any of the scholastic residents of the district are not so transferred sufficient funds must be retained to provide them with school facilities for at least six months. And provided further that if the districts consolidate during the year the consolidated district shall be entitled to consolidation aid as otherwise provide in this Act.

SEC. 10. It is hereby expressly provided that an amount not to exceed Four Hundred Thousand (\$400,000.00) Dollars, or so much thereof as may be necessary, of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the 40th Legislature, Regular Session, as amended by Senate Bill No. 10 passed at the First Called Session of the 41st Legislature.

SEC. 11. In all districts that comply with the foregoing provisions of this Act and in addition thereto levy and collect a tax of One Dollar on the One Hundred Dollars, and after provision is made for a term of six and one-half months on the ratio of the number of teachers provided for herein and on the basis of the salary schedule fixed by the State Board of Education, the proceeds of the local maintenance tax may be supplemented with a sufficient amount from the appropriation provided herein to guarantee the following amounts, or so much thereof as may be necessary, to pay the salaries of teachers according to the salary schedule for a term not to exceed nine months, as may be desired by the Board of Trustees; one teacher, \$125.00; two teachers, \$250.00; three teachers, \$375.00; four teachers, \$475.00; five teachers, \$550.00; six teachers, \$600.00; seven teachers, \$650.00; eight teachers, \$675.00; nine teachers, \$700.00; ten teachers, \$725.00; provided that such supplemental grants shall not increase the total grant for teachers' salaries from this appropriation to more than \$1,000.00, as provided in Section 13 of this Act; except schools of more than five teachers may receive not to exceed One Thousand Five Hundred (\$1,500.00) Dollars.

SEC. 12. For the year 1930-31, the second year of the biennium 1929-1930, no aid shall be granted to any school under the provisions of this Act which is located within two and one-half miles of another school of the same race unless, on account of the condition of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to element-

ary schools in a consolidation formed under this or any subsequent Act.

SEC. 13. It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as may be necessary to carry out the provisions and intentions of this Act and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural school supervisors, hereby authorized, to make thorough investigation in person of the grounds, buildings, equipment, teaching force and financial condition of each school applying for aid; and no aid shall be granted unless it can be shown that all provisions of this Act and regulations made by the State Superintendent have been complied with, and that such amount of aid is actually needed.

SEC. 14. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State Aid is granted in the same manner as warrants for State apportionments are now transmitted, and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

SEC. 15. Rural Schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County available school funds, and in all other school funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State Aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

SEC. 16. Any school district which has a taxable valuation for school purposes of less than One Million (\$1,000,000) Dollars and which levies and collects a local tax of One Dollar on the One Hundred Dollars valuation of property and which is maintaining a high school of more than fifty pupils shall receive from the appropriation herein made an additional amount for each resident high school pupil equal to the State per capita apportionment for the current scholastic year; provided that school districts which have high schools of fewer than fifty resident students classified above the seventh grade and which are located more than ten miles from a fully accredited high school or from a high school offering the same grades shall be eligible to receive this additional aid; provided further that high school aid authorized in this Section shall apply to those districts only that are disqualified to receive aid under the provisions of this Act.

SEC. 17. All laws or parts of laws in conflict herewith are hereby repealed. In the event any provision of this Act is un-

constitutional or invalid the remainder of this Act shall nevertheless remain in effect.

SEC. 18. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE: The Governor attached to H. B. No. 1 a veto message, signed by him, dated July 8, 1928, vetoing the appropriation in said Bill. His signature does not appear on the enrolled bill either approving or vetoing it. Said bill passed the House, 102 yeas, 0 nays; amended and passed by the Senate, 26 yeas, 1 nay; House refused to concur in Senate amendments and a conference committee was appointed; House adopted conference report, 103 yeas, 0 nays; Senate adopted conference report by a viva voce vote. Received in the Governor's office June 28, 1929, and in the Department of State July 8, 1929.]

## AUTHORIZING SURVEY OF UNDERGROUND WATER SUPPLY.

H. B. No. 16.]

CHAPTER 37.

An Act authorizing the State Board of Water Engineers to have made a scientific and sanitary study and investigation and report on the sources, amount and quality of the underground water supply in Texas, and the conservation, maintenance and supplementing of the same, for the scientific protection of the water supply for domestic and municipal uses, irrigation uses, and providing for cooperation of State Department of Health; and appropriating out of the general revenues of Texas, \$25,000.00 for each of the two years of this biennium, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the State Board of Water Engineers of Texas are hereby authorized and empowered to have made a scientific and sanitary study and investigation and report of the sources, amount and quality of the underground water supply, together with a study, investigation and report upon the feasible conservation, maintenance and supplementing of said supply. Such work shall be first undertaken by said Board in the territories where, in their judgment, the greatest need therefor exists, and in determining said need, said Board shall look to the interest and welfare of domestic and municipal uses, irrigation uses, and all other uses, which in their judgment,